



# DEPARTMENT OF PLANNING AND BUILDING

Date: July 14, 2016  
 To: Planning Commission  
 From: Holly Phipps / Planning Staff  
 Subject: Continued Hearing for Bone Conditional Use Permit (DRC2013-00096)

This project was first heard before your Commission on February 11, 2016 and continued to March 24, 2016, and May 26, 2016. At the conclusion of your Commission's May 26<sup>th</sup> hearing, you asked Planning Staff to bring forth revised conditions for your purview. The following conditions and findings and responses to other issues raised are provided by County Planning Staff.

## Revised Findings and Conditions of Approval

Staff has attached revised Findings and Conditions to reflect your Commission's input from the last meeting. Some of those changes include:

- Allowing a 997 sf restaurant (limited food service facility)
- Increasing retail space to 100 sf instead of 30 sf
- Clarification of the days and hours of operation
- Clarification of activities that may occur on-site
- Condition for a cut off time for lighting

## Access Road

Your Commission had some questions regarding the effectiveness of dust suppressants applied to the unpaved access road and asked Staff to invite a representative from the Air Pollution Control District (APCD) to attend the hearing. APCD has agreed to attend and be available to speak to your Commission on the need for dust control and regulatory requirements.

Your Commission asked Staff to provide a condition option to require the applicant to pave the access road or a condition to allow dust suppressants. Condition 27 is shown below. Should your Commission decide that the road needs to be paved then Planning would suggest deleting "b". If it is determined that dust suppressant will be allowed, then the condition would not need to be revised.

27. (AQ-1) For the life of the project and prior to final inspection, for the unpaved access road/driveway, the applicant shall implement one of the following:
  - a. Pave and maintain the driveway; or,
  - b. During peak season and for the life of the project, maintain the unpaved driveway with dust suppressant such that fugitive dust emissions do not exceed the APCD 20% opacity limit for greater than 3 minutes in any 60 minute period or prompt nuisance violations. Also, to improve the dust suppressant's long-term efficiency, the applicant shall also implement and maintain design standards to ensure vehicles that use the on-site unpaved road are physically limited (e.g., speed bumps) to a posted

speed limit of 15 mph or less. Peak season for this project is defined as follows: October to January.

### **Currently Allowed Activities On-Site**

Staff would like to clarify the current activities that are allowed to continue on the site. The applicant was allowed to continue to process olives grown off-site while this CUP is in process. All food service was prohibited and any public tasting of olive oil is restricted to the outside patio until the CUP is approved, the proposed uses are authorized and required conditions of approval are met.

The allowed activities was memorialize in a letter to the applicants, Greg Bone and Audrey Burnam, dated September 21, 2015 from Bill Robeson, Deputy Director of Permitting, (see Attachment 5). The letter includes the following list of allowed activities on site until all land use approval, public hearings, and required permitting processes have been completed.

1. No more than thirty (30) truck deliveries in a day (a daily processing capacity is nine tons).
2. Trucks will be limited to a single trailer.
3. The agricultural processing facility can accept deliveries from 7 a.m. to 9 p.m. daily.
4. All conditions listed in the October 17, 2014 Cal Fire
5. The site and the existing structure cannot be used as a tasting room or as food pairing/restaurant.
6. No events or public tours can occur until all land use approvals, public hearings and required permitting processes have been completed.
7. Public use of the site and will require additional conditions and requirements including but not limited to fire protection systems, and roadway improvements including an increased width, and a licensed civil engineer to verify compaction of roadway and shoulders.

### **Building Occupancy**

Staff would also like to clarify the building occupancy issue. A building permit will be required for the tenant improvement for the change of use. This permit will need to address accessibility, occupant load, egress/ exiting, electrical, mechanical, etc. A building permit (PMT2015-04279) was submitted on May 26, 2016 and is still under review by the Building Department.

### **Condition Compliance Monitor**

Additionally, your Commission asked that Staff provide a condition for post approval monitoring of the approved project. Planning Staff has provided the following condition should your Commission decide to add a monitoring condition.

***Prior to issuance of construction permits the Applicant shall provide the funding for a County Condition Compliance Monitor to oversee and monitor compliance with County Conditions of Approval. The Condition Compliance Monitor shall assist the County in condition compliance for operational stages of the project, as specified in a project description, and as approved by the County Department of Planning and Building.***

***The Condition Compliance Monitor will prepare a working monitoring plan that reflects the County-approved Conditions of Approval. This plan will include (1) responsibilities and procedures for verifying compliance with County Conditions of Approval; (2) methods and reporting time frames; (3) authority to stop work; and (4) action to be taken in the event of non-compliance. The Condition Compliance Monitor shall be under contract to the County of San Luis Obispo,***

## **ATTACHMENT 8**

*and, the entire expense of retaining and supervising the Condition Compliance Monitor, including the County's administrative and overhead fees, shall be paid by the Applicant.*

### **Attachments**

1. Revised Findings with Strikeouts
2. Revised Conditions of Approval with Strikeouts
3. Revised Findings (Clean Version)
4. Revised Conditions of Approval (Clean Version)
5. Letter from Bill Robeson, Deputy Director-Permitting dated September 21, 2015

**REVISED (JULY 14, 2016)**  
**EXHIBIT A - FINDINGS (with Strikeouts)**

Environmental Determination

- A. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on January 6, 2016 for this project. Mitigation measures are proposed to address air quality, biological resources, hazards/hazardous material, public services/utilities, transportation/circulation, wastewater, and water/hydrology and are included as conditions of approval.

Conditional Use Permit

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the uses proposed are allowed uses and as conditioned is consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 22 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the proposed project as conditioned does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the proposed tasting room/restaurant/limited food service facility will be limited to ~~800-998~~ sf and ~~limited to 3 days per week with limited hours of operation to 11a.m. to 5 p.m.~~ be restricted to a total of 5 days per week with 3 of those days from 11:00 am to 5:00 pm and 2 days per week from 11:00 am to 9 pm. Additionally, all guest and staff shall be off-site by 9 pm.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on Kiler Canyon Road (a collector road), a road constructed to a level able to handle any additional traffic associated with the project and an unpaved access road that is conditioned for dust suppression and a road maintenance agreement.

**ATTACHMENT 8**  
**ATTACHMENT 1**

- G. A modification of the setback standards required by Land Use Ordinance Section 22.30.070.D.4.c.1 Olive Oil Production / Setbacks) to allow a 96 ft setback to property line and to allow 380 ft to an existing residence is justified because it presents a more environmentally friendly solution than constructing a new building that could meet the required setbacks versus using the existing building. The primary use on-site is the processing of approximately 15 tons of olives grown on-site from the 2,700 olive trees planted on-site (currently not all trees have reached maturity).
  
- H. A modification of the setback standards required by Land Use Ordinance Section 22.30.075.B.4 Ag Retail Sales / Setbacks that requires all structures to be located no closer than 400 feet to any existing residence to allow a 380 ft setback to an existing residence (to the north) is justified because it presents a more environmentally friendly solution than constructing a new building that could meet the required setbacks versus using the existing building. The primary use on-site is the processing of approximately 15 tons of olives grown on-site from the 2,700 olive trees planted on-site (currently not all trees have reached maturity).

**REVISED (JULY 14, 2016)**  
**EXHIBIT B - CONDITIONS OF APPROVAL with Strkeouts**

**Approved Development**

1. This approval authorizes the following:
  - a. Conversion of a portion of an existing 3,445 sf olive processing facility to include:
    - 997 800-sf of restaurant (limited food service facility) area a 330 sf existing commercial kitchen and 667 sf of indoor and outdoor dining~~a maximum of 470 sf dining area (total includes indoor and outdoor seating areas).~~
    - 94 sf of olive oil tasting area.
    - Up to 100 30 sf of retail (permanent farm stand).
    - The processing of 540 tons of olives not grown on-site;
  - b. Public access to the site for tasting room/restaurant/limited food service facility/retails sales operation shall be restricted to a total of 3-5 days per week with 3 of those days from 11:00 am to 5:00 pm and 2 days per week from 11:00 to 9:00. All onsite lighting shall be extinguished by 9 pm. Additonally all guest and staff shall be off-site by 9 pm;
  - c. The incidental processing of olives into table olives for sale onsite (approximately 35 cases);
  - d. The construction of a 45-sf-detached restroom per building code requirements which may include reasonable areas for employee lockers/changing etc;
  - e. A modification to the ordinance standard (Section 22.30.070.D.4.c.1 Olive Oil Production / Setbacks) to allow a 96 ft setback to property line and to allow 380 ft to an existing residence;
  - f. A modification of the ordinance standard (Section 22.30.075.B.4 Ag Retail Sales / Setbacks) that requires all structures to be located no closer than 400 feet to any existing residence to allow a 380 ft setback to an existing residence (to the north);
  - g. No temporary events are authorized including events with under 50 with fewer attendees and non-profit events. (e.g. weddings, reunions, parties, concerts). Public access to the site for educational olive oil tours, olive oil workshops, olive oil club functions, and olive oil related incidental uses shall be restricted to fewer than 50 people to a total of 5 days per week with 3 of those days limited to the hours of 11:00 am to 5:00 pm and 2 of those days limited to the hours of 11:00 a.m. to 9:00 p.m. Reasonable private gatherings of family and friends of the property owners are not limited.

**Conditions required to be completed at the time of application for construction permits**

***Site Development***

2. Submit a revised ***floor plan and site plan*** to the Department of Planning and Building for review and approval. The revised plan shall indicate the following and development shall be consistent with this revised and approved plan:
  - a. Site Plan – The site plan shall show the required number of 12 parking spaces.
  - b. Floor Plan. The dining seating area including indoor and outdoor areas shall not exceed a 667470 sf.

***Required Permits***

3. **At the time of application for construction permits**, the applicant shall obtain the following permits if required in addition to any and all other permits required by ordinance or code. Plans shall be prepared or certified by the licensed architect or engineer of record.
  - a. Construction permit to convert the existing agricultural olive processing building into a commercial olive processing facility that will be open to the public;
  - b. Construction permits for tenant improvements to convert a portion of the existing building into an olive oil tasting room, restaurant/limited food service facility, and retail sales area;
  - c. Grading permit for access road widening.

***Transportation and Traffic***

4. (TR-1) **At the time of application for construction permits**, the applicant shall submit plans prepared by a Registered Civil Engineer to the Department of Public Works to secure an Encroachment Permit and post a cash damage bond to install improvements within the public right-of-way in accordance with County Public Improvement Standards. The plan is to include, as applicable:
  - a. Reconstruct the existing site access driveway approach on Kiler Canyon Road in accordance with County Public Improvement Standard B-1 drawing rural roadways, and A-5a sight distance standards.
  - b. Remove sign and vegetation obstructions per the recommendations contained in the *Above Grade Engineering* driveway sight distance analysis dated September 21, 2015.
5. (TR-2) **At the time of application for construction permits**, the applicant shall submit evidence to the Department of Planning and Building of a road maintenance agreement for Old Kiler Canyon Road. The agreement shall establish an organized and perpetual mechanism to ensure adequate maintenance of the shared access roads in a form acceptable to the County. The road maintenance agreement shall be signed by the owners of all properties which have shared access rights, or be fully assumed by the applicant for the full width across their property frontage and back to the nearest county maintained road and be binding upon their heirs and assigns, and be recorded with the County Clerk on each of the effected properties.

**ATTACHMENT 8**  
**ATTACHMENT 2**

6. (TR-5) **At the time of application for construction permits**, the applicant shall submit complete drainage plans for review and approval in accordance with Section 22.52.110 (Drainage) or 23.05.040 (Drainage) of the Land Use Ordinance.
7. (TR-6) **At the time of application for construction permits**, the applicant shall submit complete erosion and sedimentation control plan for review and approval in accordance with 22.52.120.
8. (TR-8) **At the time of application for construction permits**, the applicant shall demonstrate whether the project is subject to the LUO Section for Storm Water Management. Applicable projects shall submit a Storm Water Control Plan (SWCP) prepared by an appropriately licensed professional to the County for review and approval. The SWCP shall incorporate appropriate BMP's, shall demonstrate compliance with Storm Water Quality Standards and shall include a preliminary drainage plan, a preliminary erosion and sedimentation plan
9. (TR-9) **At the time of application for construction permits**, if necessary, the applicant shall submit a draft "Private Storm Water Conveyance Management and Maintenance System" exhibit for review and approval by the County.

***Exterior Lighting***

10. **At the time of application for construction permits**, the applicant shall provide details on any proposed or **existing exterior lighting**. The details shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp nor the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark colored. All lights (non-essential for safety) shall be turned off by 9 p.m.

***Fire Safety***

11. **At the time of application for construction permits**, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code. Requirements shall include, but not be limited to those outlined in the Fire Safety Plan, prepared by the Cal Fire/County Fire Department for this proposed project and dated January 16, 2015, ~~and~~ letter dated October 23, 2015 and memo dated May 26, 2016.

***Services***

12. **At the time of application for construction permits**, the applicant shall submit evidence that there is adequate water to serve the proposal, on the site.
13. **At the time of application for construction permits**, the applicant shall submit evidence that the existing septic system, adequate to serve the proposal, can be installed on the site.

**Conditions to be completed prior to issuance of a construction permit**

***Fees***

14. **Prior to issuance of a construction permit**, the applicant shall pay all applicable school and public facilities fees.



***Transportation and Traffic***

- | **15.** (TR-10) **Prior to issuance of construction permits**, if necessary, the applicant shall record with the County Clerk the "Private Storm Water Conveyance Management and Maintenance System" to document on-going and permanent storm drainage control, management, treatment, disposal and reporting.

***Nesting Birds***

- | **15.16.** (BR-1) **Prior to and during construction**, in order to protect sensitive bird species and those species protected by the Migratory Bird Treaty Act and/or the Fish and Wildlife Code, the applicant shall avoid vegetation clearing and earth disturbance during the typical nesting season (February 15 – August 31). If avoiding construction during this season is not feasible, a qualified biologist shall survey the area one week prior to activity beginning on the site. If nesting birds are located, they shall be avoided until they have successfully fledged. A buffer zone of 50 feet will be placed around all non-sensitive bird species, a 500-foot buffer zone for raptors, and all activity will remain outside of that buffer until a County approved biologist has determined that the young have fledged. If special-status bird species are located, no work will begin until an appropriate buffer is determined by consultation with the County, the local California Department of Fish and Wildlife biologist, and/or the U. S. Fish and Wildlife Service.

***Oak Trees***

- | **16.17.** (BR-2) **Prior to issuance of construction permit and/or grading permit**, the applicant shall clearly show all oak trees within 50 feet of grading activities on the grading plans. In addition to showing the limits of grading, the grading plans shall also designate any oak trees to be removed and which oak trees will be impacted by grading activities occurring within the root zone (one and one half times the dripline).

- | **17.18.** (BR-3) **Prior to issuance of a grading permit**, the applicant shall provide a tree replacement plan for review and approval by the Environmental Coordinator. The replacement plan shall demonstrate compliance with the following measures:

- a. Number of Trees – The tree replacement plan shall provide for the replacement, in kind, of removed oak trees at a 4:1 ratio. Additionally, the tree replacement plan shall provide for the planting, in kind, at a 2:1 ratio for oak trees designated for impact but not removal.
- b. Location/Density – The location shall be clearly shown on the plans. Trees shall be planted at no greater a density than the average density in the existing oak woodland area on the site.
- c. Species – Trees shall be of the same species of the trees proposed for impact or removal. The species shall be clearly specified on the plans.
- d. Planting – Replanting shall be completed as soon as it is feasible (e.g. irrigation water is available, grading done in replant area). Replant areas shall be either in native topsoil or areas where native topsoil has been reapplied. If the latter, top soil shall be carefully removed and stockpiled for spreading over graded areas to be replanted (set aside enough for 6-12" layer). If possible, planting during the warmest, driest months (June through September) shall be avoided. In addition, standard planting procedures (e.g., planting tablets, initial deep watering) shall be used.

- e. Maintenance – Newly planted trees shall be maintained until successfully established.

**Conditions to be completed prior to occupancy or final building inspection /establishment of the use**

- | ~~18-19.~~ **Prior to occupancy or final inspection**, whichever occurs first, the applicant shall obtain final inspection and approval from CAL FIRE of all required fire/life safety measures. This includes but not limited to the access road widening and compaction deficiencies (Keith V. Crowe, PE, PLS, letter dated July 29, 2015). The applicant shall submit to the Department of Planning and Building and CAL FIRE verification of the compaction report from a licensed civil engineer for the access road for review and approval.
- | ~~19-20.~~ **Prior to occupancy of any structure associated with this approval**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

***Transportation and Traffic***

- | ~~20-21.~~ (TR-3) **Prior to occupancy or final inspection**, all public improvements have been constructed or reconstructed in accordance with County Public Improvement Standards and to the satisfaction of the County Public Works Inspector.

| **On-going conditions of approval (valid for the life of the project)**

- | ~~21-22.~~ This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 22.64.070 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Land Use Ordinance Section 22.64.080 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.
- | ~~22-23.~~ All conditions of this approval run with the land and shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 22.74.160 of the Land Use Ordinance.

***Transportation and Traffic***

- | ~~23-24.~~ (TR-4) In accordance with County Code Section 13.08, no activities associated with this permit shall be allowed to occur within the public right-of-way including, but not limited to, project signage; tree planting; fences; etc without a valid Encroachment Permit issued by the Department of Public Works.

**ATTACHMENT 8**  
**ATTACHMENT 2**

| ~~24.25.~~ (TR-7) The project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and / or Phase II storm water program and the County's Storm Water Pollution Control and Discharge Ordinance, Title 8, Section 8.68 et sec.

| ~~25.26.~~ (TR-11) The applicants shall provide recycling opportunities to all facility users at all events in accordance with Ordinance 2008-3 of the San Luis Obispo County Integrated Waste Management Authority (mandatory recycling for residential, commercial and special events).

***Air Quality***

| ~~26.27.~~ (AQ-1) For the life of the project and prior to final inspection, for the unpaved access road/driveway, the applicant shall implement one of the following:

- a. Pave and maintain the driveway; or,
- b. During peak season and for the life of the project, maintain the unpaved driveway with dust suppressant such that fugitive dust emissions do not exceed the APCD 20% opacity limit for greater than 3 minutes in any 60 minute period or prompt nuisance violations. Also, to improve the dust suppressant's long-term efficiency, the applicant shall also implement and maintain design standards to ensure vehicles that use the on-site unpaved road are physically limited (e.g., speed bumps) to a posted speed limit of 15 mph or less. Peak season for this project is defined as follows: October to January.

***Building Occupancy***

| ~~27.28.~~ The applicant shall comply with CAL FIRE Safety Letter dated January 16, 2015, [memo dated May 26, 2016](#) and the occupancy of the building shall not exceed 49. Any additions to the structure including enclosing the covered porch area for dining, and/or removing furnishing allowing an increased occupancy load at this location shall require the installation of a commercial NFPA compliant automatic Fire sprinklers.

**REVISED (JULY 14, 2016)**  
**EXHIBIT A - FINDINGS**

**Environmental Determination**

- A. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on January 6, 2016 for this project. Mitigation measures are proposed to address air quality, biological resources, hazards/hazardous material, public services/utilities, transportation/circulation, wastewater, and water/hydrology and are included as conditions of approval.

**Conditional Use Permit**

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the uses proposed are allowed uses and as conditioned is consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 22 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the proposed project as conditioned does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the proposed tasting room/restaurant/limited food service facility will be limited to 998 sf and be restricted to a total of 5 days per week with 3 of those days from 11:00 am to 5:00 pm and 2 days per week from 11:00 am to 9 pm. Additionally, all guest and staff shall be off-site by 9 pm.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on Kiler Canyon Road (a collector road), a road constructed to a level able to handle any additional traffic associated with the project and an unpaved access road that is conditioned for dust suppression and a road maintenance agreement.
- G. A modification of the setback standards required by Land Use Ordinance Section 22.30.070.D.4.c.1 Olive Oil Production / Setbacks) to allow a 96 ft. setback to property line and to allow 380 ft. to an existing residence is justified because it presents a more environmentally friendly solution than constructing a new building that could meet the required setbacks versus using the existing building. The primary use on-site is the processing of approximately 15 tons of olives grown on-site from the 2,700 olive trees planted on-site (currently not all trees have reached maturity).

**ATTACHMENT 8**  
**ATTACHMENT 3**

- H. A modification of the setback standards required by Land Use Ordinance Section 22.30.075.B.4 Ag Retail Sales / Setbacks that requires all structures to be located no closer than 400 feet to any existing residence to allow a 380 ft. setback to an existing residence (to the north) is justified because it presents a more environmentally friendly solution than constructing a new building that could meet the required setbacks versus using the existing building. The primary use on-site is the processing of approximately 15 tons of olives grown on-site from the 2,700 olive trees planted on-site (currently not all trees have reached maturity).

**REVISED (JULY 14, 2016)**  
**EXHIBIT B - CONDITIONS OF APPROVAL**

**Approved Development**

1. This approval authorizes the following:
  - a. Conversion of a portion of an existing 3,445 sf olive processing facility to include:
    - 997 sf of restaurant (limited food service facility) area a 330 sf existing commercial kitchen and 667 sf of indoor and outdoor dining.
    - 94 sf of olive oil tasting area.
    - Up to 100 sf of retail (permanent farm stand).
    - The processing of 540 tons of olives not grown on-site;
  - b. Public access to the site for tasting room/restaurant/limited food service facility/retails sales operation shall be restricted to a total of 5 days per week with 3 of those days from 11:00 am to 5:00 pm and 2 days per week from 11:00 to 9:00. All onsite lighting shall be extinguished by 9 pm. Additionally all guest and staff shall be off-site by 9 pm;
  - c. The incidental processing of olives into table olives for sale onsite (approximately 35 cases);
  - d. The construction of a detached restroom per building code requirements which may include reasonable areas for employee lockers/changing etc;
  - e. A modification to the ordinance standard (Section 22.30.070.D.4.c.1 Olive Oil Production / Setbacks) to allow a 96 ft setback to property line and to allow 380 ft to an existing residence;
  - f. A modification of the ordinance standard (Section 22.30.075.B.4 Ag Retail Sales / Setbacks) that requires all structures to be located no closer than 400 feet to any existing residence to allow a 380 ft setback to an existing residence (to the north);
  - g. Public access to the site for educational olive oil tours, olive oil workshops, olive oil club functions, and olive oil related incidental uses shall be restricted to fewer than 50 people to a total of 5 days per week with 3 of those days limited to the hours of 11:00 am to 5:00 pm and 2 of those days limited to the hours of 11:00 am to 9:00 pm. Reasonable private gatherings of family and friends of the property owners are not limited.

**Conditions required to be completed at the time of application for construction permits**

**Site Development**

2. Submit a revised ***floor plan and site plan*** to the Department of Planning and Building for review and approval. The revised plan shall indicate the following and development shall be consistent with this revised and approved plan:

- a. Site Plan – The site plan shall show the required number of parking spaces.
- b. Floor Plan. The dinning seating area including indoor and outdoor areas shall not exceed a 667 sf.

***Required Permits***

- 3. **At the time of application for construction permits**, the applicant shall obtain the following permits if required in addition to any and all other permits required by ordinance or code. Plans shall be prepared or certified by the licensed architect or engineer of record.
  - a. Construction permit to convert the existing agricultural olive processing building into a commercial olive processing facility that will be open to the public;
  - b. Construction permits for tenant improvements to convert a portion of the existing building into an olive oil tasting room, restaurant/limited food service facility, and retail sales area;
  - c. Grading permit for access road widening.

***Transportation and Traffic***

- 4. (TR-1) **At the time of application for construction permits**, the applicant shall submit plans prepared by a Registered Civil Engineer to the Department of Public Works to secure an Encroachment Permit and post a cash damage bond to install improvements within the public right-of-way in accordance with County Public Improvement Standards. The plan is to include, as applicable:
  - a. Reconstruct the existing site access driveway approach on Kiler Canyon Road in accordance with County Public Improvement Standard B-1 drawing rural roadways, and A-5a sight distance standards.
  - b. Remove sign and vegetation obstructions per the recommendations contained in the *Above Grade Engineering* driveway sight distance analysis dated September 21, 2015.
- 5. (TR-2) **At the time of application for construction permits**, the applicant shall submit evidence to the Department of Planning and Building of a road maintenance agreement for Old Kiler Canyon Road. The agreement shall establish an organized and perpetual mechanism to ensure adequate maintenance of the shared access roads in a form acceptable to the County. The road maintenance agreement shall be signed by the owners of all properties which have shared access rights, or be fully assumed by the applicant for the full width across their property frontage and back to the nearest county maintained road and be binding upon their heirs and assigns, and be recorded with the County Clerk on each of the effected properties.
- 6. (TR-5) **At the time of application for construction permits**, the applicant shall submit complete drainage plans for review and approval in accordance with Section 22.52.110 (Drainage) or 23.05.040 (Drainage) of the Land Use Ordinance.

**ATTACHMENT 8**  
**ATTACHMENT 4**

7. (TR-6) **At the time of application for construction permits**, the applicant shall submit complete erosion and sedimentation control plan for review and approval in accordance with 22.52.120.
8. (TR-8) **At the time of application for construction permits**, the applicant shall demonstrate whether the project is subject to the LUO Section for Storm Water Management. Applicable projects shall submit a Storm Water Control Plan (SWCP) prepared by an appropriately licensed professional to the County for review and approval. The SWCP shall incorporate appropriate BMP's, shall demonstrate compliance with Storm Water Quality Standards and shall include a preliminary drainage plan, a preliminary erosion and sedimentation plan
9. (TR-9) **At the time of application for construction permits**, if necessary, the applicant shall submit a draft "Private Storm Water Conveyance Management and Maintenance System" exhibit for review and approval by the County.

***Exterior Lighting***

10. **At the time of application for construction permits**, the applicant shall provide details on any proposed or **existing exterior lighting**. The details shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp nor the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark colored. All lights (non-essential for safety) shall be turned off by 9 pm

***Fire Safety***

11. **At the time of application for construction permits**, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code. Requirements shall include, but not be limited to those outlined in the Fire Safety Plan, prepared by the Cal Fire/County Fire Department for this proposed project and dated January 16, 2015, letter dated October 23, 2015 and memo dated May 26, 2016.

***Services***

12. **At the time of application for construction permits**, the applicant shall submit evidence that there is adequate water to serve the proposal, on the site.
13. **At the time of application for construction permits**, the applicant shall submit evidence that the existing septic system, adequate to serve the proposal, can be installed on the site.

**Conditions to be completed prior to issuance of a construction permit**

***Fees***

14. **Prior to issuance of a construction permit**, the applicant shall pay all applicable school and public facilities fees.



***Transportation and Traffic***

15. (TR-10) **Prior to issuance of construction permits**, if necessary, the applicant shall record with the County Clerk the "Private Storm Water Conveyance Management and Maintenance System" to document on-going and permanent storm drainage control, management, treatment, disposal and reporting.

***Nesting Birds***

16. (BR-1) **Prior to and during construction**, in order to protect sensitive bird species and those species protected by the Migratory Bird Treaty Act and/or the Fish and Wildlife Code, the applicant shall avoid vegetation clearing and earth disturbance during the typical nesting season (February 15 – August 31). If avoiding construction during this season is not feasible, a qualified biologist shall survey the area one week prior to activity beginning on the site. If nesting birds are located, they shall be avoided until they have successfully fledged. A buffer zone of 50 feet will be placed around all non-sensitive bird species, a 500-foot buffer zone for raptors, and all activity will remain outside of that buffer until a County approved biologist has determined that the young have fledged. If special-status bird species are located, no work will begin until an appropriate buffer is determined by consultation with the County, the local California Department of Fish and Wildlife biologist, and/or the U. S. Fish and Wildlife Service.

***Oak Trees***

17. (BR-2) **Prior to issuance of construction permit and/or grading permit**, the applicant shall clearly show all oak trees within 50 feet of grading activities on the grading plans. In addition to showing the limits of grading, the grading plans shall also designate any oak trees to be removed and which oak trees will be impacted by grading activities occurring within the root zone (one and one half times the dripline).
18. (BR-3) **Prior to issuance of a grading permit**, the applicant shall provide a tree replacement plan for review and approval by the Environmental Coordinator. The replacement plan shall demonstrate compliance with the following measures:
- a. Number of Trees – The tree replacement plan shall provide for the replacement, in kind, of removed oak trees at a 4:1 ratio. Additionally, the tree replacement plan shall provide for the planting, in kind, at a 2:1 ratio for oak trees designated for impact but not removal.
  - b. Location/Density – The location shall be clearly shown on the plans. Trees shall be planted at no greater a density than the average density in the existing oak woodland area on the site.
  - c. Species – Trees shall be of the same species of the trees proposed for impact or removal. The species shall be clearly specified on the plans.
  - d. Planting – Replanting shall be completed as soon as it is feasible (e.g. irrigation water is available, grading done in replant area). Replant areas shall be either in native topsoil or areas where native topsoil has been reapplied. If the latter, top soil shall be carefully removed and stockpiled for spreading over graded areas to be replanted (set aside enough for 6-12" layer). If possible, planting during the warmest, driest months (June through September) shall be avoided. In addition,

standard planting procedures (e.g., planting tablets, initial deep watering) shall be used.

- e. Maintenance – Newly planted trees shall be maintained until successfully established.

**Conditions to be completed prior to occupancy or final building inspection /establishment of the use**

- 19. **Prior to occupancy or final inspection**, whichever occurs first, the applicant shall obtain final inspection and approval from CAL FIRE of all required fire/life safety measures. This includes but not limited to the access road widening and compaction deficiencies (Keith V. Crowe, PE, PLS, letter dated July 29, 2015). The applicant shall submit to the Department of Planning and Building and CAL FIRE verification of the compaction report from a licensed civil engineer for the access road for review and approval.
- 20. **Prior to occupancy of any structure associated with this approval**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

***Transportation and Traffic***

- 21. (TR-3) **Prior to occupancy or final inspection**, all public improvements have been constructed or reconstructed in accordance with County Public Improvement Standards and to the satisfaction of the County Public Works Inspector.

**On-going conditions of approval (valid for the life of the project)**

- 22. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 22.64.070 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Land Use Ordinance Section 22.64.080 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.
- 23. All conditions of this approval run with the land and shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 22.74.160 of the Land Use Ordinance.

***Transportation and Traffic***

- 24. (TR-4) In accordance with County Code Section 13.08, no activities associated with this permit shall be allowed to occur within the public right-of-way including, but not limited to, project signage; tree planting; fences; etc without a valid Encroachment Permit issued by the Department of Public Works.

**ATTACHMENT 8**  
**ATTACHMENT 4**

25. (TR-7) The project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and / or Phase II storm water program and the County's Storm Water Pollution Control and Discharge Ordinance, Title 8, Section 8.68 et sec.
26. (TR-11) The applicants shall provide recycling opportunities to all facility users at all events in accordance with Ordinance 2008-3 of the San Luis Obispo County Integrated Waste Management Authority (mandatory recycling for residential, commercial and special events).

***Air Quality***

27. (AQ-1) For the life of the project and prior to final inspection, for the unpaved access road/driveway, the applicant shall implement one of the following:
  - a. Pave and maintain the driveway; or,
  - b. During peak season and for the life of the project, maintain the unpaved driveway with dust suppressant such that fugitive dust emissions do not exceed the APCD 20% opacity limit for greater than 3 minutes in any 60 minute period or prompt nuisance violations. Also, to improve the dust suppressant's long-term efficiency, the applicant shall also implement and maintain design standards to ensure vehicles that use the on-site unpaved road are physically limited (e.g., speed bumps) to a posted speed limit of 15 mph or less. Peak season for this project is defined as follows: October to January.

***Building Occupancy***

28. The applicant shall comply with CAL FIRE Safety Letter dated January 16, 2015, memo dated May 26, 2016 and the occupancy of the building shall not exceed 49. Any additions to the structure including enclosing the covered porch area for dining, and/or removing furnishing allowing an increased occupancy load at this location shall require the installation of a commercial NFPA compliant automatic Fire sprinklers.



## DEPARTMENT OF PLANNING AND BUILDING

September 21, 2015

To: Gregg Bone and Audrey Burnam - Applicants  
c/o John Belsher  
412 Marsh Street  
San Luis Obispo, CA, 93401

**Subject: Kiler Ridge Olive Farm - processing of off-site olives - Conditional Use Permit (DRC2013-00096)**

Mr. Belsher,

After further evaluation, the County Department of Planning and Building has determined that the importation and processing of off-site olives continues to remain in temporary conformance with the requirements of section 22.30.070 – Agricultural Processing Uses subsection 4.h.

- h. **Effect on existing olive oil production facilities.** All existing unpermitted olive oil processing facilities in existence on the effective date of this section (January 17, 2013) shall be subject to the standards specified in this Subsection. Required land use permits shall be requested from the County within 18 months of the effective date specified above. If the required land use permit, has not been requested within the time frames set forth in this section, the penalties of Chapter 22.74 (Enforcement) of this Title may apply.

The intention of the section shown above, was to provide a mechanism to potentially allow existing nonconforming olive oil production facilities to come into conformance with Land Use Ordinance requirements while the County processes the appropriate land use permits. A proposed project with a restaurant/limited food service use in the Agricultural land use category, requires the submittal of a land use permit/Conditional Use Permit (CUP) application. The CUP DRC2013-00096 was "requested" by the applicant within the required time frames (application submitted to the County on 05/09/2014).

The County Department Planning and Building is committed to the efficient and timely processing of all permits as well as the subject CUP. We are in the final stages of evaluating all of the required information along with correspondence and concerns from the public and other agencies. A tentative time frame for a Planning Commission hearing date is expected in November or December of this year.

Other conditions applicable while the land use permit is being processed are:

- 1.) No more than thirty (30) truck deliveries in a day (a daily processing capacity is nine tons).
- 2.) Trucks will be limited to a single trailer.
- 3.) The agricultural processing facility can accept deliveries from 7 a.m. to 9 p.m. daily.
- 4.) All conditions listed in the October 17, 2014 Cal Fire letter remain in effect
- 5.) The site and the existing structure cannot be used as a tasting room or as food pairing/restaurant.
- 6.) No events or public tours can occur until all land use approvals, public hearings and required permitting processes have been completed.
- 7.) Public use of the site will require additional conditions and requirements including but not limited to fire protection systems, and roadway improvements including an increased width, and a licensed civil engineer to verify compaction of roadway and shoulders.

Failure to comply with the limitations and conditions outlined above shall result in the immediate suspension of the importation and processing of off-site olives.

Sincerely,

Bill Robeson,  
Deputy Director - Permitting  
[brobeson@co.slo.ca.us](mailto:brobeson@co.slo.ca.us)  
805-781-5607

CC: Frank Mecham, District 1 Supervisor  
Jim Bergman, Director of Planning and Building  
Whitney McDonald, Deputy County Counsel  
Greg Bone, 424 Peach Tree Lane, Paso Robles, CA, 93466  
Pam Jardini c/o Planning Solutions, 1360 New Wine Place, Templeton, CA, 93465

July 5, 2016

Planning Commissioners  
c/o Planning Commission Secretary  
via email [rhedges@co.slo.ca.us](mailto:rhedges@co.slo.ca.us)

**RE: Kiler Ridge Olive Farm, DRC 2013-00096, Bone/Burnam**

Dear Commissioners,

We agree with the proposed Conditions of Approval although we wish to add a condition **#29** and modify conditions **#1b**, **#1g** and **#27**

**Adding a condition #29**

This condition needs to be added because if your Commission approves the project, the tasting room and the milling operations of the project will be shut down immediately as the use requires certain conditions be satisfied. Our proposed condition allows Kiler Ridge Olive Farm to continue their operation since no health and safety issues are present. However, there is a hook that the owners have to proceed with construction drawings, building permits, etc. in a timely manner or they lose their ability to continue operating. Our proposed condition allows the tasting room to be located back inside the facility (currently has a class B occupancy) and the applicant to mill olives for other growers this season. The restaurant would not be open until all conditions are met.

***Proposed condition #29. The tasting room activities may resume immediately inside the facility and the applicant is allowed to mill off-site olives this season. The applicant has 1 month to fulfill the requirements with a 1 month extension if needed (such as contractor cannot perform work immediately) prior to condition being enforceable. This condition is not applicable to the restaurant and the conditions associated with the restaurant. Fulfill means time that does not include agency review.***

The intent of the county's olive oil ordinance is to entice olive growers who are not in compliance to apply for a land use permit. If the county shuts down an applicant's operation upon application submittal or approval, then there is no incentive for the olive growers who are not in compliance to apply for a land use permit. Currently, the president of Central Coast Olive Growers estimates there are 180-200 growers in this county.

We are trying to meet the conditions of approval concurrently, but since this is the first project reviewed under the new ordinance, there are a few glitches. On May 26<sup>th</sup>, 2016, plans were submitted to the building department and they will not be reviewed by the building department until July 18-22. Health Department cleared condition #12 and the road maintenance agreement was submitted to Public Works but the County's computer system is unable to accept clearance because the project has not been approved yet. Frederick's Paving is scheduled to work on the access road the week of July 18-22. This could not be done earlier since we don't know what type of dust suppressant (chemical or paving material) the Planning Commission will place on the project. We have diligently tried to address the conditions of approval but have encountered limitations.

**Condition 1b modification**

We are requesting a modification to this condition to allow on-site lighting to be lit during harvesting/milling season. The proposed changes to staff's condition are in bold.

Public access to the site for tasting room/restaurant/limited food service facility/retail sales operation shall be restricted to a total of 5 days per week with 3 of those days from 11:00 am to 5:00 pm and 2 days per week from 11:00 am to 9:00 pm. All onsite lighting shall be extinguished by 9 pm. Additionally, all guest and staff shall be off-site by 9 pm. **"Lights out by 9 pm does not include lighting required for the harvesting/milling season. However, during the harvesting/milling season, lights out will remain in effect regarding the tasting room and restaurant."**

**Condition 1g modification**

We are requesting a modification to this condition since the owners cannot hold a workshop/tours and attend to the tasting room concurrently. The proposed changes are highlighted below.

Public access to the site for **educational olive oil tours, olive oil workshops**, olive oil club functions, and olive oil related incidental uses shall be restricted to fewer than 50 people to a total of 5 days per week with 3 of those days limited to the hours of 11:00 am to 5:00 pm and 2 of those days limited to the hours of 11:00 am to 9:00 pm. **Reasonable** private gatherings of family and friends of the property owners are not limited. **"Olive oil workshops and private olive oil tours (including school tours) are limited to the hours from 9 am to 5 pm daily. Workshops will not exceed 8 per year and private tours will not exceed 1 per month."**

**Condition 27 modification**

We propose adding wording to allow for paving options. The proposed changes are bolded.

For the life of the project and prior to final inspection, for the unpaved access road/driveway, the applicant shall implement one of the following:

- a. Pave and maintain the driveway **from Kiler Canyon Road to the gate. Paving the area may be achieved by using either asphalt paving, chip seal or re-used/recycled asphalt** or,
- b. During peak season and for the life of the project, maintain the unpaved driveway with dust suppressant such that that fugitive dust emissions do not exceed the APCD 20% opacity limit for greater than 3 minutes in any 60 minute period or prompt nuisance violations. Also, to improve the dust suppressant's long-term efficiency, the applicant shall also implement and maintain design standards to ensure vehicles that use the on-site unpaved road are physically limited (e.g. speed bumps) to a posted speed limit of 15 mph or less. Peak season for this project is defined as follows: October to January.

July 8, 2016

Commissioner Campbell  
c/o Planning Commission Secretary  
via [rhedges@co.slo.ca.us](mailto:rhedges@co.slo.ca.us)

RE: DRC 2013-00096, Kiler Ridge Olive Farm, Bone/Burnam

Dear Commissioner Campbell,

Hopefully you have received my proposed changes to the conditions of approval for the Kiler Ridge Olive Farm project. Condition #29 was briefly discussed at the hearing in May. If you have questions regarding this condition, since it addresses an issue the Commissioners have not addressed to date, please contact me to discuss.

Also, it is my understanding that the Commissioners requested that a representative from the Air Pollution Control District, APCD, give a presentation on dust suppressants. Our research shows that if the base is properly prepared, chemical dust suppressants work. However, Michael Fredericks will be available to speak regarding the paving options presented in condition #27.

If you have any questions, I can be reached at 805-801-0453 or at [planningsolutions@charter.net](mailto:planningsolutions@charter.net)

Regards,

Pamela Jardini, J.D.  
Planning Solutions



July 12, 2016

Planning Commissioners  
c/o Planning Commission Secretary  
via: [rhedges@co.slo.ca.us](mailto:rhedges@co.slo.ca.us)

**RE: DRC2016-00096 Kiler Ridge Olive Farm, proposed Monitor Condition**

Dear Commissioners,

Planning staff proposed a condition on page 2 of their staff report regarding post approval monitoring of the project. We believe the condition as written over-reaches your expressed intent.

The building plans for the tasting room and restaurant have been prepared by a licensed architect and will be reviewed for compliance with current building codes regarding handicapped accessibility, occupant load, ingress/egress, electrical, mechanical etc. by the county's building department. A monitor is not required for this portion of the project since licensed professionals are responsible for compliance.

The road improvements being required by Cal Fire were accepted under repair and maintenance work to be performed on the existing access road. The road plans were prepared by a licensed civil engineer. Fredericks Paving will be performing the work and a licensed soils firm will be performing the compaction test required by Cal- Fire. Again, a monitor is not required for this portion of the project since licensed professionals are responsible for compliance.

The applicants have complied with the County's requirements of moving their tasting room outside and petitioned to mill off-site olives each year since this application was submitted approximately 2 ½ years ago. The applicants are willing to submit a written report of compliance on an annual basis to the Planning Commission knowing that non-compliance will lead to an enforcement case with the consequences as outlined in the land use ordinance.

However, if your Commission is concerned about compliance, then the proposed condition below addresses the concerns expressed by your Commission outside the purview of licensed professionals. We believe your concerns were regarding compliance with the hours of operation and with the number of occupants.

**Proposed Condition**

The applicant shall provide the funding for a County Condition Compliance Monitor to oversee and monitor compliance with the County Conditions of Approval regarding hours of operation and activities as specified in condition 1g.

The condition compliance monitor will prepare a working monitoring plan that reflects the County approved conditions of approval regarding hours of operation and activities as specified in condition 1g. The plan will include 1) responsibilities and procedures for verifying compliance with the County Conditions of Approval; 2) methods and time frames for

reporting; and 3) action to be taken in the event of non-compliance. The condition compliance monitor shall be under contract to the county of San Luis Obispo, and, the entire expense of retaining and supervising the Condition Compliance Monitor, including the County's administrative and overhead fees, shall be paid by the applicant. The monitoring of the hours of operation and activities per condition 1g shall be for 2 years.

**From:** Rolph, John <JRolph@marshall.usc.edu>  
**Sent:** Sunday, July 10, 2016 6:12 PM  
**To:** Ramona Hedges  
**Subject:** Kiler Ridge Olive Farm Project--CUP application

July 10, 2016

To: SLO County Planning Department

Re: Dust Control for the Kiler Ridge Olive Farm Project, County File Number:  
DRC2013-00096

Attention: Planning Commission Secretary

Dear Planning Commissioners:

I am writing in support of the Kiler Ridge Olive Farm Project. Specifically, I would like to address the issue of dust control on the road and driveway that connects Kiler Canyon Road to the Kiler Ridge Olive Farm. There have been conflicting or at least ambiguous statements made at Planning Commission Hearings about effectiveness or lack thereof of Magnesium Chloride to control dust. My understanding is that the applicants propose to apply Magnesium Chloride or a similar product to control dust on their road and driveway. I have experience in using Magnesium Chloride on my property that I believe is relevant.

My wife and I live on Adelaida Road west of Paso Robles where we raise grapes and olives. We farm 30 acres of vineyard. We have applied Magnesium Chloride to the road base on the roads servicing our vineyards each year for about 10 years. It has been extremely effective in eliminating road dust on our property. We plan to continue using Magnesium Chloride for this purpose.

We have been using the firm, Advanced Dust Control, to apply Magnesium Chloride to our roads for the past several years. My understanding from them is there are a number of wineries and vineyards that have on-going contracts with them to apply Magnesium Chloride for dust control. These have included Tablas Creek, Dusy and Halter Ranch.

I have spoken several times with a Planning Department staff member about our experience using Magnesium Chloride. He told me that his analysis of weather

data showed that our location is significantly drier than Kiler Ridge Olive Farm. Based on that information, he concluded that Magnesium Chloride would be at least as effective at the Kiler Ridge Olive Farm location as it is at our location.

I hope that you will consider this information when you address the issue of dust control for this project.

Sincerely yours,

JOHN ROLPH  
Rolph Family Vineyards  
7710 Adelaida Road  
Paso Robles CA 93446

Commissioners

RE Bone DRC 13-00096 Hearing 7/14/16

The conditions of approval have been revised again. Condition #27 has been revised to only apply dust suppressant during the 3 month peak season. However most of the dust is generated outside of the peak season from the year round UPS/FEDEX/USPS/jeep tours/olive tours/school buses, etc and not just during the harvest season. Not applying it year round will be a useless endeavor.

At minimum, the road needs to be paved at least through the gate to mitigate dust as have the two other wineries in this area. This will be passive enforcement of a required mitigation. Otherwise there will be continual calls to code enforcement to enforce the mitigation of dust. A dust suppressant will not work and neither code enforcement nor APCD will have the time or resources to monitor the situation.

You are going to have a presentation, I understand, by Michael Fredricks regarding dust suppressant. This is the same contractor who was hired by the applicant to push undocumented fill over the existing access road to widen the road.

Also with a dust suppressant in lieu of paving, the applicant will have to voluntarily comply with maintaining a dust suppressant which he will not do, given his past disregard for County policies and permit requirements .

Not once in 7 years of illegal operation has the applicant placed any dust suppressant on the access road to mitigate the dust problem in total disregard of neighbor concerns.

There is a 40-50 foot section of access road that is 17' maximum wide with a 70 deg drop off. This section of the road makes it unsafe for two way traffic as stated in three letters from CAL FIRE. This section of the road is dangerous for residential traffic and needs to be widened or at least put up a guardrail.

Why is it the CAL FIRE stated that the road was unsafe for two way traffic and somehow now it is miraculously ok? It may be ok for a fire truck to go up the center of the road and “..the intent of the law, if not the letter of the law...” is met according to the latest CAL FIRE letter, but it is NOT safe for two way residential traffic when you have FED EX and UPS trucks coming up on a daily basis along with weekly large recycle and trash collection trucks. Basically there is constant truck traffic on this access road.

And what of the Community Crushes when you have a dozen of more pickup trucks hauling trailers with olives to be process all day long and into the night? These people are unfamiliar with the narrow road section. Why is it ok to put them in jeopardy? **Why not just fix the road?** What is so wrong with the applicant doing this? After all he is the one causing the problems.

The access road has never been abandoned and is still a County road. Public Works, in an earlier Commission meeting, stated the access road had to meet County Standards and would have to be widened (as also stated in staff reports), and now they don't care because, even though it is still a County road, it is no longer maintained by Public Works so they don't care about the road width. The 20' road width is mandated for public safety for two way traffic. And now the road is safe because they no longer maintain it? What kind of logic is that? Does that make sense to you?

In regard to road width, Planning says that "We defer to CalFire"..Well CAL FIRE originally stated that the road needed to be widened as it was unsafe for two way traffic and now somehow the road is miraculously ok? What kind of BS is that. You notice that they conveniently no longer address two way traffic but only note that the road is ok for their fire truck.

So what we have here is a case of nobody cares. The discretionary use permit was originally intended to allow certain uses that might not otherwise be allowed through the mitigation process and I am for this flexibility. What it has turned into is a conduit to allow anyone with lawyers and money to do whatever they want. To date, NOTHING has been mitigated for this project.

Why is it that the neighbors have to accommodate his illegal operation? Why is it incumbent upon the neighbors to make his operation a financial success when he knew from the very beginning he might not make it unless he could do everything he wanted yet had no permission to do so? After withdrawing a MUP in application in 2006 he went ahead and did what he wanted anyway, and now we have to make it ok for him?

That is the risk that he took and if he is in financial difficulty, he has nowhere else to look but himself and it is not our responsibility to bail him out.

So, the neighbors have already agreed to three setback modifications when none need be given, have not contested his processing of outside olives as I think it to be an appropriate use of Ag Lands, but allowing a RESTAURANT, AND PIZZA KITCHEN outside of tasting room hours...NO! That is a totally inappropriate use of AG land. I don't care if it is being allowed in other areas as it may be appropriate for those areas, but to have the applicant's agent proclaim that they have precedent based on other discretionary uses which is totally illogical as you cannot base precedent on a prior discretionary use permit as they are by definition unique situations that have to be mitigated.

The use of a commercial kitchen for food pairing is allowed during regular tasting hours, but the applicant is not happy with that. He wants to have his tasting hours extended until 9pm so that he can have a full blown restaurant till 900pm at night. No!

The extension of tasting hours is not for food pairing so that he can showcase his olive oil. He can do that during regular tasting room hours. He wants to have a full blown restaurant, and that being the case, he can go downtown where it is zoned for such use.

Look at the attached menu from when he was illegally operating a restaurant. This is not food pairing at all. It a full blown restaurant operation. This is simply not an appropriate use. This idea of allowing commercial restaurant operations in ag lands needs to stop.

**So, the applicant needs to pave** the access road.

**The applicant needs to widen the road** for a short section.

**Do not allow extension of tasting room hours to 900pm** in effect allowing a restaurant operation.

And remember that this is a **discretionary** use permit, if portions of it cannot be mitigated, then those portions should not be allowed.

Thank you for your time,

Peter Byrne

1275 Kiler Canyon

Paso Robles, Ca

805 235 9616



## CDF/San Luis Obispo County Fire Department

635 North Santa Rosa • San Luis Obispo • California • 93405  
Phone: 805-543-4244 • Fax: 805-543-4248

October 31, 2006

Karen Nall  
Planning & Building Department  
County Government Center  
San Luis Obispo, CA 93408

Subject DRC2005-00084 / Bone

A site visit was conducted on 10-31-06 for the proposed olive oil processing plant located at 1111 Kiler Canyon Road, Paso Robles, CA. A fire plan was issued for this project dated 1-10-06 stating the requirements for this project. These requirements include road standards calling for minimum 18 feet width, all weather surface, and the ability to support 20 tons.

The site visit revealed that the outer edge of the access road is sloughing off the bank. There is a lateral crack 1/4" to 1/2" wide running most of the length of the road, approximately 200 to 300 feet long. The crack is a distance of one to two feet inward from the edge of road surface. Measured from the inside of the bank to the edge of the road, the road is a minimum of 18 feet wide; however, measured from the inside of the bank to the lateral crack, the distance varies from 15 to 17 feet.

The stability of the edge of the road is suspect. It appears as if road base was pushed over the edge of the road to obtain a wider width. Without stabilizing the bank, and given the seasonal weather elements, CDF/County Fire cannot accept the road in its present condition due to safety considerations for vehicles utilizing the road.

The road condition may possibly be mitigated by stabilizing the bank below the road's edge or creating a wider width by removing soil from the inside of the road. Widening the road on either side will most likely entail the removal of chaparral brush and scrub oak, which appears to be providing some stability to the soil.

Sincerely,

A handwritten signature in cursive script, appearing to read "Chad T. Zrelak".

Chad T. Zrelak, Fire Captain



# KILER RIDGE

## OLIVE FARM

seasonal olive oil and food pairings  
chef alex martin. sous chef robbie kaplan



### Starters

Organic Purple Flowering Kale Crisps <i>with italian parsley soffrito, fleur de sel, lemon EVOO.</i>	\$10
Warm Asparagus Salad <i>with local duck egg griuche, piave vecchio, croccante peas, late harvest EVOO.</i>	\$14
Exotic Mushroom Bisque <i>aged balsamic, house made sage creme fraiche, brittle parsley, tuscan EVOO.</i>	\$12
Artisan Cheese Plate <i>with two local cheeses, add Ale-Pia Salami for five, Cook's Choice EVOO.</i>	\$15
	add salami \$5



### Entrees

Roasted Vegetable Panino: <i>house made pane toscano, cheese, vibrant pickled vegetables, Cook's Choice EVOO.</i>	\$16
Chef's Choice Market Plate <i>always fresh, likely local.</i>	MP



### Dessert

Vanilla Bean Ice Cream <i>with tuscan EVOO, 15 year aged balsamico di modena, sea salt.</i>	\$5
Frozen Strawberry-Lemon Parfait <i>with pistachio coulis, lemon EVOO.</i>	\$8



### Beverages

Large San Pellegrino Mineral Water.	\$6
Small San Pellegrino Mineral Water, Aranciata (orange), or Lemonata (lemon).	\$3
Coffee, Decaf Coffee, Iced Tea, or Hot Tea.	\$3
Coke, Diet Coke, Dr. Pepper, or Diet Dr. Pepper.	\$3

*\*we strive to source local, seasonal, and sustainable ingredients. \*please inform your server of any food allergies.*

*Thursday-Sunday 11am-5pm, by reservation 805-400-1439. 1111 Kiler Canyon Road, Paso Robles California*



# Kiler Ridge Olive Farm Farm to Table Dinner

Saturday, June 8, 2013 7:00pm



Audrey and Gregg invite you to experience our 2013 olive oils with a fun and delicious farm-to-table dinner. The dinner will be paired with wines from local winemaker Hilary Graves, who will be on-hand to chat about her new releases.

Join us for a special dinner at Kiler Ridge farm & frantoio

Dear Friends of Kiler Ridge Olive Farm:

We are teaming up with local winemaker Hilary Graves for combined olive oil maker and winemaker dinner. The dinner will feature our fabulous EVOO, Hilary's fabulous wines, and a delicious menu created by Chef Meghan that takes advantage of the Paso area's great local meats and produce.

Audrey & Gregg

## MENU

*featuring 2013 Kiler Ridge Extra Virgin Olive Oils  
and new release "Mighty Nimble" wines paired to complement each course*

Assorted crostini  
2010 La Chuparosa (Rose)

Avocado and cucumber soup shooter  
Salad of roasted vegetables, Israeli couscous, & microgreens  
2011 Fruit Tramp (Rhône Blend)

Slow braised lamb with pistou and polenta  
2011 Rock Candy (SGM)

Grilled New York steak with chimichurri sauce,  
over sauté of brussels sprouts, parsnips & shiitake mushrooms  
2011 Small Black (Cabernet)

Vanilla ice cream with EVOO and sea salt  
Shortbread  
Coffee or tea

## Where:

**Kiler Ridge Olive Farm**  
1111 Kiler Canyon Road  
Paso Robles, CA 93446  
805-400-1439  
[www.kilerridge.com](http://www.kilerridge.com)

## When:

Saturday, June 8, 7:00pm

## Tickets:

**\$95 per person**  
Includes tax and gratuity.  
Seating is limited, so reserve soon!

**Add to Cart**

To Contact us:

Email:  
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*Site visits and documentation from County Fire Prevention employees were conducted on October 31 2006, August 13, 2009, and October 14, 2014 showing road width and compaction deficiencies. The road does meet commercial access road requirements in accordance with California Fire Code or San Luis Obispo County Public Works standards. The current road cannot safely accommodate two- way traffic. The road requires an increased width, and a licensed civil engineer to verify compaction of roadway and shoulders. Due to topographic limitations a traffic management plan is also required.*

**Road Width and Signage**

- A commercial access road must be 24 feet wide.
- Parking is only allowed where an additional 8 feet of width is added for each side of the road that has parking.
- “No Parking - Fire Lane” signs will be required.
- Fire lanes shall be provided as set forth in the California Fire Code Section 503.
- Fire access shall be provided within 150 feet of the outside building(s) perimeter.
- Must be an all-weather surface.
- All roads must be able to support fire apparatus.
- Vertical clearance of 13’6” is required.
- Fuel modification of 10 feet on either side of roadway must be maintained.
- An approved traffic plan shall be provided to the fire code official.

July 12, 2016

To: Each Member of the San Luis Obispo Planning Commission

c/o Ramona Hedges, sent via e-mail

From: Cody Ferguson

805 Kiler Canyon Road

P.O. Box 1168

Paso Robles, CA 93447

805-238-5597

Subject: Request by Greg Bone for a Conditional Use Permit @ 1111 Kiler Canyon Road, Paso Robles CA 93446

I will be unable to attend the July 14th Planning Commission meeting regarding this ill-advised project. I am not sure that it matters if I am there or not because to date there have been 3 previous meetings of your commission regarding this application @ which the applicants land use consultant, Ms. Pamela Jardini and Mr. Bone's attorney have been afforded well over 2 ½ hours of meeting time to present in favor of this request. This is exclusive of the hours of testimony presented by Mr. Bone's personal advocates, none of whom live anywhere close to the application site. I have been allowed a total of 9 minutes to argue against this application. It is my understanding that once again Ms. Jardini will be afforded more time at the July 14th meeting to continue her advocacy of this project. When the last Planning Commission meeting regarding this application was adjourned on May 26th, the commission stated that the July 14th date would be set aside for public deliberation by the commissioners and that no further testimony would be received on that date. Hence, I made a commitment that will not allow me to attend.

The fact is that I find the entire process regarding this application to be perplexing. For example, as I have stated, there have been 3 previous meetings of

your commission regarding Mr. Bone's application for a fulltime restaurant, pizza kitchen, lunch counter and industrial olive oil complex on property zoned for agriculture only. Between each of these meetings, things that have been discussed @ the previous meeting seem to mysteriously change. Most of these changes have come from the Planning and Building Departments and they always appear to be in favor of allowing the Conditional Use Permit with minimal mitigation. During deliberations on this application by the commission @ the May 26th meeting I was amazed watch Commissioner Irving appear to do his best to sell the project to the other Commissioners as if he was selling a piece of real estate. On the other hand, I watched Commissioner Topping, who listened to the same testimony that the other Commissioners listened to, get it absolutely right including his statement that the only mitigation that makes sense regarding the dusty dirt access road to the subject property that passes within 30 feet of a fulltime residence, was to pave the access road, the driveway and the parking lot. That solution would also be consistent with what the Commission required Ecluse Winery to do about a half mile farther up Kiler Canyon in order to have a tasting room only.

As a retired Fire Captain, with 35 years of service, I also find the casual nature with which Cal Fire has approach this project to be suspect. Not only do I take issue with Cal Fire Battalion Chief Laurie Donnelly's original off the wall mitigation of the access road and driveway from 20 feet wide, which is Cal Fire's normal absolute minimum width for project's like this, down to 16 feet but, additionally Cal Fire sent 2 different Fire Captain's to the Commission meeting's to testify about something that they apparently knew little or nothing about. I am extremely disappointed in Cal Fire's performance with regards to this project as not only public safety has been ignored but, the safety of their own personnel who might have the occasion to use the access road for fire trucks during an emergency. This access road, driveway and parking lot should be widened and paved for this project to go forward as proposed. Dust depressant doesn't work!

It would appear that little or no consideration has been given to what this project will do to the property values in the immediate neighborhood, especially the value of Peter Byrne's property which is immediate to the extremely dusty dirt access road.

